

**FLATHEAD COUNTY PLANNING BOARD  
MINUTES OF THE MEETING  
MAY 10, 2017**

**CALL TO  
ORDER  
6:01 pm**

A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. at South Campus Building, 40 11<sup>th</sup> Street W, Ste. 200, Kalispell, Montana. Board members present were Rita Hall, Sandra Nogal, Dean Sirucek, Ron Schlegel, Jim Heim, Jeff Larsen, Kevin Lake, Greg Stevens and Mike Horn. Rachel Ezell, Kari Nielsen and Mark Mussman represented the Flathead County Planning & Zoning Office.

There were approximately 23 people in the audience.

**APPROVAL OF  
MEETING  
MINUTES  
6:01 pm**

Nogal made a motion, seconded by Lake to approve the April 12, 2017 meeting minutes.

**BOARD  
DISCUSSION  
6:01 pm**

None

**ASK THE  
QUESTION  
6:02 PM**

Larsen asked the question.

**ROLL CALL TO  
APPROVE  
MEETING  
MINUTES  
6:02 pm**

On a roll call vote the motion passed unanimously.

**PUBLIC  
COMMENT  
(not related to  
agenda items)  
6:02 pm**

Mayre Flowers-Citizens For a Better Flathead-35 4<sup>th</sup> Street West, Kalispell-talked about public comment and the time the Board received public comment. She stated the staff report and revised corridor plan were posted on April 26, 2017 and the Board packets went out on April 27, 2017 giving the public one day to get their comments included in the packet. She recommended that the staff report should be available two (2) weeks prior to packets going out so public comments could be included.

**NORTH  
AMERICAN RV  
PARK  
EXPANSION  
(FPP-17-02)  
6:05 pm**

A request from Sands Surveying, Inc. on behalf of Baker, LLC for a Subdivision for Lease or Rent that will include 46 RV spaces and 7 yurt spaces north of Coram. The applicant is proposing to expand the existing North American RV Park located immediately south of the property. This addition will be located on a 16 acre parcel which is zoned Scenic Corridor and will be served by a separate public water and wastewater system. Access would be from Highway 2 via the internal gravel roadway in the existing RV Park.

**STAFF REPORT  
6:05 pm**

Ezell reviewed Staff Report FPP-17-02 for the Board.

**BOARD  
QUESTIONS  
6:10 pm**

None

**APPLICANT  
PRESENTATION  
6:10 pm**

Eric Mulcahy-Sands Surveying-2 Village Loop, Kalispell- represents the applicant. He stated the applicant concurred with the staff report and its conditions.

**BOARD  
QUESTIONS  
6:10 pm**

Larsen stated on the map it showed a 300 foot circle from the service building, he thought the site had to be within the 300 foot circle.

Wells explained.

**AGENCY  
COMMENTS  
6:10 pm**

None

**PUBLIC  
COMMENT  
6:12 pm**

None

**APPLICANT  
REBUTTAL  
6:12 pm**

None

**BOARD  
QUESTIONS  
6:13pm**

None

**STAFF  
REBUTTAL**

None

**6:13 pm**

**BOARD  
QUESTIONS  
6:13 pm**

None

**MAIN MOTION  
TO ADOPT  
F.O.F.  
(FPP-17-02)  
6:13 pm**

Sirucek made a motion seconded by Hall to adopt Staff Report FPP-17-02 as Findings of Fact.

**BOARD  
DISCUSSION  
6:13 pm**

None

**ASK THE  
QUESTION  
6:13 pm**

Larsen asked the question.

**ROLL CALL TO  
ADOPT F.O.F.  
(FZC-17-01)  
6:13 pm**

On a roll call vote the motion passed unanimously.

**MAIN MOTION  
TO  
RECOMMEND  
APPROVAL  
(FPP-17-02)  
6:14 pm**

Nogal made a motion seconded by Lake to adopt Staff Report FPP-17-02 and recommend approval to the Board of County Commissioners.

**BOARD  
DISCUSSION  
6:14 pm**

Hall stated she liked this project.

Nogal talked about additional signage in both directions as she was informed that people frequently go to the business next door instead. Neighbors were also concerned about the hours that the generators on RV's would be allowed.

**ROLL CALL TO  
RECOMMEND  
APPROVAL  
(FPP-17-02)  
6:16 pm**

On a roll call vote the motion passed unanimously.

**THORNTON  
MOTORSPORTS  
(FPPUD-16-01  
6:16 pm**

A request from APEC Engineering, Inc., on behalf of Thornton Motorsports, LLC for Preliminary Planned Unit Development (PUD) and Preliminary Plat approval of Montana Raceway Subdivision, a 57-lot residential subdivision located at 3790 Highway 93 North near Kalispell. Containing approximately 40.6 acres, the subject property is located within the Highway 93 North zoning district and is currently zoned *AG-40 Agricultural*. The applicant has also requested a zone change from AG-40 to R-1 with an overlay PUD to increase density. The lots would be served by a public water supply and individual wastewater treatment systems with common drain fields.

**UPDATED  
STAFF REPORT  
6:17 pm**

Nielson reviewed updated Staff Report FPPUD-16-01 for the Board.

**BOARD  
QUESTIONS  
6:18 pm**

Larsen asked about finding 6 and why it was a negative finding. Nielsen stated the planning office had concerns about the lack of a secondary emergency access.

The Board discussed this at length.

Larsen asked about the change in open space since the last meeting.

Nielsen stated they had basically doubled the open space and parkland.

**MOTION TO  
WITHDRAW  
PREVIOUS  
MOTION TO  
ADOPT F.O.F.  
(FPPUD-16-01)  
6:28 pm**

Heim made a motion seconded by Sirucek to withdraw his motion to adopt previous Staff Report FPPUD-16-01.

(Staff Report FPPUD-16-01 was approved at the January hearing and had since changed.)

**ROLL TO  
WITHDRAW  
MOTION  
6:28 pm**

On a roll call vote the motion passed unanimously.

**MAIN MOTION  
TO ADOPT  
F.O.F.  
(FPPUD-16-01)**

Heim made a motion seconded by Sirucek to adopt revised Staff Report FPPUD-16-01 as Findings of Fact.

**6:29 pm**

**BOARD  
DISCUSSION  
6:30 pm**

The Board discussed the secondary access issues.

**MOTION TO  
REVISE  
FINDING 6  
6:36 pm**

Larsen made a motion seconded by Stevens to revise Finding 6 as follows:

6. Montana Raceway subdivision and associated PUD does not make adequate provisions for vehicular traffic. ~~because there is only one primary access and no secondary access to the proposed subdivision and could potentially not be adequate in the event of an emergency or vehicular accident at the entrance to the subdivision.~~

**ASK THE  
QUESTION  
6:36 pm**

Larsen asked the question.

**ROLL CALL TO  
ADOPT F.O.F.  
(FPPUD-16-01)  
6:36pm**

On a roll call vote the motion passed unanimously.

**BOARD  
DISCUSSION  
6:36 pm**

Schlegel asked about the location of the back-up drain field.

Liechti stated it was in the same location as previously noted.

**ASK THE  
QUESTIONS  
6:37 pm**

Sirucek asked the question.

**ROLL CALL TO  
ADOPT F.O.F.  
AS AMENDED  
6:37 pm**

On a roll call vote the motion passed unanimously.

**MAIN MOTION  
TO  
RECOMMEND  
APPROVAL  
(FPPUD-16-01)  
6:38 pm**

Schlegel made a motion seconded by Hall to adopt Staff Report FPPUD-16-01 and recommend approval to the Board of County Commissioners.

**BOARD  
DISCUSSION  
6:39 pm**

None

**ROLL CALL TO  
RECOMMEND  
APPROVAL  
(FPPUD-16-01)  
6:39 pm**

On a roll call vote the motion passed unanimously.

**THORNTON  
MOTORSPORTS  
(FPP-16-07)  
6:40 pm**

A request from APEC Engineering, Inc., on behalf of Thornton Motorsports, LLC for Preliminary Planned Unit Development (PUD) and Preliminary Plat approval of Montana Raceway Subdivision, a 57-lot residential subdivision located at 3790 Highway 93 North near Kalispell. Containing approximately 40.6 acres, the subject property is located within the Highway 93 North zoning district and is currently zoned *AG-40 Agricultural*. The applicant has also requested a zone change from AG-40 to R-1 with an overlay PUD to increase density. The lots would be served by a public water supply and individual wastewater treatment systems with common drain fields.

**STAFF REPORT  
6:40 pm**

Nielson reviewed Staff Report FPP-16-07 for the Board.

**BOARD  
QUESTIONS  
6:43 pm**

Larsen asked about the water supply.

Nielsen went over the comment from DEQ and stated it was taken care of with condition 7.

Larsen asked if Finding 17 was regarding the secondary access.

Nielsen stated yes.

Larsen asked about finding 24.

Nielsen stated that the subdivision is not mixed use; it is all single family residential. She read the definition of mixed use.

**APPLICANT  
PRESENTATION**

Marc Leichti-APEC Engineering-75 Somers Road, Somers- represented the applicant. The applicant felt that with the

**6:46 pm**

widening of the current access and the placement of a median, concerns about both sides of the access being blocked for any reason would be lessened. He stated the applicant would be willing to put in a secondary access if required. He felt traffic issues would not be a concern as Raceway Park has substantially more traffic on the days it runs races. He talked about the 20 foot agricultural buffer to alleviate concerns from the neighbors regarding overspray from their properties.

**BOARD  
QUESTIONS  
6:50 pm**

Larsen asked if the applicant would consider making the main road the one that went straight out to the highway.

Liechti stated yes.

Hall asked about water quality.

Liechti stated that if the water quality was poor, the subdivision would not move forward.

**AGENCY  
COMMENTS  
6:54 pm**

None

**PUBLIC  
COMMENT  
6:54 pm**

None

**APPLICANT  
REBUTTAL  
6:54 pm**

None

**BOARD  
QUESTIONS  
6:54 pm**

None

**STAFF  
REBUTTAL  
6:54 pm**

None

**BOARD  
QUESTIONS  
6:54pm**

None

**MAIN MOTION  
TO ADOPT  
F.O.F.  
(FPP-16-07)  
6:56 pm**

Sirucek made a motion seconded by Stevens to adopt Staff Report FPP-16-07 as Findings of Fact.

**BOARD  
DISCUSSION  
6:56 pm**

Stevens talked about finding 6 needing to be revised.

**SUBSIDIARY  
MOTION TO  
AMEND  
FINDING 6**

Larsen made a motion seconded by Stevens to amend finding 6 as follows:

~~The transportation network does not appear to be adequate. because there does not appear to be appropriate primary and emergency access to the subdivision although there does appear to be physical and legal access to the property, an approach permit would be required for final plant and the interior subdivision roads would be maintained by the homeowner's association.~~

Stevens noted finding seven and the lack of concern from public agencies.

Larsen mentioned needing a condition regarding Montana Department of Transportation approach permit.

**ASK THE  
QUESTION  
6:58 pm**

Sirucek asked the question.

**ROLL CALL TO  
AMEND  
FINDING 6  
7:01 pm**

On a roll call vote the motion passed unanimously.

**ROLL CALL TO  
ADOPT F.O.F.  
AS AMENDED  
(FPP-16-07)  
7:01 pm**

On a roll call vote the motion passed unanimously.

**MAIN MOTION  
TO**

Heim made a motion seconded by Horn to adopt Staff Report FPP-16-07 and recommend approval to the Board of County



**RECOMMEND  
APPROVAL  
(FPP-16-07)  
7:02 pm**

Commissioners.

**BOARD  
DISCUSSION  
7:02 pm**

Sirucek discussed ground water and soil drainage at length. He stated that the lots below the drain field may have flooding issues as a result.

**MOTION TO  
ADD CONDITON  
29  
7:09 pm**

Sirucek made a motion seconded by Stevens to add condition 29 as follows:

*The developer shall excavate a (deep, 8 foot+) soil pit on Lots #25, #26, and #27. An assessment of vertical permeability and lateral transmission of groundwater throughout the depth of each soil pit shall be determined in order to assess the risk of downslope movement of sewage wastewater from the common drainage field. This soil drainage information will be share with any prospective purchaser of lots #25, #26, #27, and #28.*

**BOARD  
DISCUSSION  
7:15 pm**

Stevens asked Liechti his thoughts on this condition.

Lietchi agreed to it.

Stevens voiced concerns about adding conditions based on speculation by the Board. The concern should be taken up with Department of Environmental Quality.

Hall was in favor of the condition.

**ROLL CALL TO  
ADD CONDITON  
29  
7:11 pm**

On a roll call vote the motion passed 6-3 with Lake, Heim, and Schlegel dissenting.

**BOARD  
DISCUSSION  
7:19 pm**

Nogal talked about ingress and egress issues onto the highway.

Larsen talked about the access from Schrade Road becoming the primary access and the need for an approach permit for Schrade Road.

**SUBSIDIARY  
MOTION TO  
ADD CONDITON  
30  
7:20 pm**

Larsen made a motion seconded by Hall to add condition 30 to read:

*The developer shall secure an approach permit for the new intersection across from Shrade Road.*

**BOARD  
DISCUSSION  
7:21 pm**

None

**ROLL CALL TO  
ADD  
CONDITION 30  
7:20 pm**

On a roll call vote the motion passed unanimously.

**SUBSIDIARY  
MOTION TO  
ADD  
CONDITION 31  
7:22 pm**

Larsen made a motion seconded by Hall to add condition 31 to read:

*The developer shall install a widened entrance with a landscaped median to the subdivision as indicated in the preliminary plat application materials.*

**BOARD  
DISCUSSION  
7:22 pm**

None

**ROLL CALL TO  
ADD  
CONDITION 31  
7:22 pm**

On a roll call vote the motion passed unanimously.

**SUBSIDIARY  
MOTION TO  
ADD CONDTION  
32  
7:22 pm**

Schlegel made a motion seconded by Nogal to add condition 32 to read:

*The developer shall develop the existing emergency access directly across from Shrade Road as the primary access to the subdivision.*

**BOARD  
DISCUSSION  
7:23 pm**

None

**ROLL CALL TO  
ADD  
CONDITION 32  
7:23 pm**

On a roll call vote the motion passed unanimously.

**ROLL CALL TO  
RECOMMEND  
APPROVAL AS  
REVISED**

On a roll call vote the motion passed unanimously.

(FPP-16-07)  
7:23 pm

**SOUTH  
WHITEFISH  
CORRIDOR  
(FZTA-16-03)  
7:24 pm**

A publicly initiated text amendment to the *Flathead County Zoning Regulations* proposed by the Flathead County Planning Board. The proposed text amendment will create a new overlay use district entitled *SWO Highway 93 South Whitefish Overlay*. And add the new overlay use district to the *Flathead County Zoning Regulations* as section 3.51. The general character of the proposed *SWO Highway 93 South Whitefish Overlay* is to institute increased design standards for new development within the Highway 93 corridor south of the City of Whitefish. The text amendment proposes to add additional landscaping and buffering standards, to add architectural standards, and add standards to reduce the visual impacts of signs and lighting.

***THE BOARD TOOK A 15 MINUTE BREAK***

**STAFF REPORT  
7:37 pm**

Mussman reviewed Staff Report FZTA-16-03 for the Board.

Mussman stated that under I. Landscaping-He would like to change the first sentence to read as follows:

These standards apply to all new development **or any change of use or an expansion of an existing commercial use** in the B-2A and BSD districts and new commercial development in the SAG-5 district.

**BOARD  
QUESTIONS  
7:44 pm**

Larsen asked the difference between the text amendment and the zone change.

Mussman explained the difference.

Stevens asked what a change in use would entail.

Mussman gave an example.

**APPLICANT  
PRESENTATION  
7:53 pm**

Dave DeGrandpre-Land Solutions-talked about the history of this project stating this has been going on for the past ten (10) years. He talked about the jurisdictional issues and other delays. He talked about the changes that were made after public comment at both the January hearing and the March workshop.

**BOARD  
QUESTIONS  
7:54pm**

Larsen asked if DeGrandpre had read the comments submitted by Citizens for a Better Flathead and the City of Whitefish.

DeGrandpre stated he had glanced over them.

**AGENCY  
COMMENTS  
8:05 pm**

Dave Taylor-City of Whitefish Planning Director-stated the City supported the South Whitefish Overlay as proposed.

**PUBLIC  
COMMENT  
8:07 pm**

Mike Bode-915 Columbia Ave, Whitefish-was in favor of the proposal.

Sarah Nargi-5850 Highway 93 South, Whitefish-wanted the Overlay and the zone change approved as one.

Sean Dillon-117 East Blanchard Lake Road, Whitefish-He agreed that the two files should be considered together.

Karen Reeves-230 Missy Lane, Whitefish-concerned with the language regarding the roads. She wanted the language to be stronger.

Mayre Flowers-35 4<sup>th</sup> Street West, Kalispell-Citizens for a Better Flathead-provided the Board with written comments-believes in the importance of corridor standards but felt that County wide corridor standards were needed for all corridor entryways. She wanted more intense requirements to address transportation and safety issues. She thought a wider landscape buffer was needed and was concerned with the inadequacy of relying on the bike path provisions in the current Flathead County Trails plan.

Steven Gordon-5938 Highway 93 South, Whitefish-the property owners have been working on this for 10 years. New development would work on traffic issues as they develop.

Levi LePrat-256 Crystal Court, Whitefish-spoke against proposal. He was concerned about large scale development next to Emerald Height Subdivision with only a 30 foot buffer. He was also concerned about property values and the safety of the neighborhood.

Bob Graham-5805 Highway 93 South, Whitefish-agreed with Nargi to approve the overlay without the zoning would be punitive.

Keith Bogart-5674 Highway 93 South, Whitefish-was in favor of the proposal.

**APPLICANT  
REBUTTAL  
8:23 pm**

Mussman stated he appreciated the comments from Flowers and thought county corridor standards was a good idea; however, this was the proposal in front of the Board at this time.

DeGrandpre stated he also thought highway corridor standards were a good idea but they needed to start somewhere. He talked about the comment from Montana Department of Transportation (MDOT) being before the revised proposal.

**BOARD  
QUESTIONS  
8:27 pm**

None

**MAIN MOTION  
TO ADOPT  
F.O.F.  
(FZTA-16-03)  
8:27 pm**

Sirucek made a motion seconded by Heim to adopt Staff Report FZTA-16-03 as Findings of Fact.

**BOARD  
DISCUSSION  
8:27 pm**

The Board talked about changing the analysis on page 28 of the Staff Report as follows:

~~The proposed text amendment appears to be deficient on specific transportation and access requirements and other methods to increase traffic safety along the corridor. As presented,~~ the proposal highlights recommendations that would increase traffic safety as well as require easements through properties to provide access to adjacent properties as well as requires individual approaches to be abandoned as development occurs. During the January Planning Board hearing as well as the March workshop, comments were made regarding an in depth corridor study that could identify areas for backage or frontage roads that would decrease the number of individual approaches currently populating the corridor.

Mussman stated that this was staff analysis and when it went to the Board of Commissioner's he could strike this out.

**SUBSIDIARY  
MOTION TO**

Stevens made a motion seconded by Sirucek to change language under I Landscaping on page 8 of the staff report to read as

**AMEND  
LANDSCAPE  
STANDARDS  
8:27 pm**

follows:

These standards apply to all new development or any change of use or an expansion of an existing commercial use in the B-2A and BSD districts and new commercial development in the SAG-5 district.

**ASK THE  
QUESTION  
8:28 pm**

Sirucek asked the question.

**ROLL CALL ON  
SUBSIDIARY  
MOTION  
LANDSCAPE  
STANDARDS  
8:28 pm**

On a roll call vote the motion passed unanimously.

**SUBSIDIARY  
MOTION TO  
AMEND  
ANALYSIS  
8:29 pm**

Schlegel made a motion seconded by Sirucek to change the analysis on page 28 to read as follows:

~~The proposed text amendment appears to be deficient on specific transportation and access requirements and other methods to increase traffic safety along the corridor. As presented,~~ the proposal highlights recommendations that would increase traffic safety as well as require easements through properties to provide access to adjacent properties as well as requires individual approaches to be abandoned as development occurs. During the January Planning Board hearing as well as the March workshop, comments were made regarding an in depth corridor study that could identify areas for backage or frontage roads that would decrease the number of individual approaches currently populating the corridor.

**BOARD  
DISCUSSION  
8:30 pm**

None

**ROLL CALL ON  
SUBSIDIARY  
MOTION TO  
AMEND  
ANALYSIS  
8:30 pm**

On a roll call vote the motion passed unanimously.

**ROLL CALL TO  
ADOPT F.O.F.  
(FZTA-16-03)  
8:30 pm**

On a roll call vote the motion passed unanimously.

**MAIN MOTION  
TO  
RECOMMEND  
APPROVAL  
(FZTA-16-03)  
8:31 pm**

Lake made a motion seconded by Schlegel to adopt Staff Report FZTA-16-03 as amended and recommend approval to the Board of County Commissioners.

**BOARD  
DISCUSSION  
8:31 pm**

None

**ASK THE  
QUESTION  
8:31 pm**

Larsen asked the question.

**ROLL CALL TO  
RECOMMEND  
APPROVAL  
(FZTA-16-03)  
8:31 pm**

On a roll call vote the motion passed unanimously.

**SOUTH  
WHITEFISH  
CORRIDOR  
(FZC-16-15)  
8:32 pm**

A publicly initiated text amendment to the *Flathead County Zoning Regulations* proposed by the Flathead County Planning Board. The proposed text amendment will create a new overlay use district entitled *SWO Highway 93 South Whitefish Overlay*. And add the new overlay use district to the *Flathead County Zoning Regulations* as section 3.51. The general character of the proposed *SWO Highway 93 South Whitefish Overlay* is to institute increased design standards for new development within the Highway 93 corridor south of the City of Whitefish. The text amendment proposes to add additional landscaping and buffering standards, to add architectural standards, and add standards to reduce the visual impacts of signs and lighting.

**STAFF REPORT  
8:34 pm**

Mussman reviewed Staff Report FZC-16-15 for the Board.

Mussman stated that three (3) issues that needed to be addressed in Board discussion included strip development,



traffic issues and compatibility with the City of Whitefish.

**BOARD  
QUESTIONS  
8:39 pm**

None

**APPLICANT  
PRESENTATION  
8:39 pm**

Dave DeGrandpre-Land Solutions-36708 Leon Road, Charlo-agreed that strip development, traffic issues and compatibility with the City of Whitefish were important issues. As far as strip development was concerned, he stated that the Growth Policy calls out five (5) points i.e.; 'a pattern of commercial development located along one or both sides of a street which is generally one lot in depth and is characterized by multiple and relatively closely spaced driveway, visually dominant parking schemes, low landscaping ratios and high floor area ratios within the development'. He addressed each of these points stating that the overlay tried to address each of these issues. Regarding traffic safety, he stated a couple of comments stated the language needed to be stronger. This is not a subdivision; these are existing developed lots with highway access. The corridor plan tried to address these concerns by requiring backage and frontage roads where feasible. With regard to compatibility with the City of Whitefish; the B2A is a close cousin of Whitefish's WB2 zoning and the BSD zoning was taken from the City of Whitefish zoning regulations.

He disagreed with finding 14 stating that the B2A and BSD amendments are compatible with the urban growth of the adjacent city. This is supported on page 34 of the staff report which says, "These requirements would appear to make the commercial development compatible to the commercial development within the City of Whitefish." He also disagreed with finding 23, and thought it should also say, "The B-2A and BSD amendments are compatible with the City of Whitefish regulations.

DeGranpre responded to the City of Whitefish comments dated 4-28-2017 stating that the zoning is in accordance with the County Growth Policy. As far as water and sewerage it is a problem as Whitefish does not plan to extend water and sewer past Highway 40, however, this would just limit what type of development could go in on these properties. They would be limited to what their sewer capacity would handle. Strong



consideration was given to transportation issues. And finally the zoning is compatible with the zoning ordinances of nearby municipalities as it was taken from Whitefish's zoning regulations.

**BOARD  
QUESTIONS  
8:58pm**

None

**AGENCY  
COMMENTS  
8:58 pm**

Dave Taylor-stated he had submitted a more detailed letter as part of the public comments. He still had significant concerns with the 115 acres of new commercial that was being proposed. He would like the B2A zoning to be deleted entirely.

Taylor referenced Section 3.49.015 BSD Business Service District in the appendix of the corridor plan stating that applying this zoning to the proposed area did not comply with this section.

**BOARD  
QUESTIONS  
9:04 pm**

Nogal asked if the City of Whitefish had this zoning on the ground.

Taylor stated the zoning was specifically created for the area around Highway 40 and Dillon Road which was part of the doughnut area that is now in the County's jurisdiction. There is no BSD zoning within the City of Whitefish.

Sirucek asked if the corridor plan was still being looked at.

Taylor stated yes but only with Whitefish's jurisdiction.

Hall asked about the difference between the County B2A and BSD districts and Whitefish zoning.

Taylor stated they were minimal. He reiterated his comments on the business service district and the requirement that the zoning would be contingent upon a site plan, vicinity map and building concepts before being zoned with that designation.

**PUBLIC  
COMMENT**

Clyde Bohnsack-Bohnsack Trust-301 Lupfer Ave, Whitefish-stated he had purchased the old potting shed at 5650 Highway

**9:09 pm**

93 South and wanted to be included in the proposed BSD zoning.

Andrew Eckstrom-105 Emerald Drive, Whitefish-representing the Emerald Height homeowners. The homeowners were very concerned with the adjacent property being zoned B2A. He stated the subdivision would not be opposed if this property could be changed to BSD zoning.

Kevin and Callen Kaltschmidt-150 West Emerald Dr., Whitefish-stated their property borders the parcel that is between Highway 40 and the subdivision. They were concerned about personal safety and their property value.

Karen Reeves-230 Missy Lane, Whitefish-was concerned about the potential build out of the area. She did not want any B2A zoning.

Allan Wolfe-115 Emerald Drive, Whitefish-stated he was opposed to this proposal. He stated this proposal just extended the City of Whitefish to the South.

Travis Tipton-5944 Highway 93 South, Whitefish-stated this area is piecemealed together now and will continue to do so unless new zoning is put on the ground requiring different standards.

Sean Dillon-117 East Blanchard Lake Road, Whitefish-echo's many of the comments from the property owners of Emerald Heights. He did not want to have commercial development next to his residential neighborhood. He was also concerned about his property values and the safety of East Blanchard Lake Road.

Mayre Flowers-Citizens for a Better Flathead-35 4<sup>th</sup> Street West, Kalispell-was frustrated that the staff reports were not available early enough to have comments prepared and sent out with the packets. She stated her written comments lay out procedural issues in that she does not believe that the County has the legal right to be the applicant in this proposal. The map amendment is not in compliance with the zoning regulations. She felt the build out analysis was flawed. She stated 'the legislative history of 76-2-203 demonstrates that the intent of this legislation was not to simply ask counties to adopt similar types of zoning districts with similar zoning uses next to city limit, but the intent is to encourage patterns of growth that allow future cost

effective growth of urban centers and cities from their center out and to avoid an oversupply of areas zoned for uses-in this case commercial uses-that are likely to undermine the economic vitality and planning efforts of the nearby municipality.' She talked about the conditional uses in the area and provided a disk with 136 pages of information on those uses. She wanted a corridor plan done for this area.

Bill Mulcahy-185 Sapphire Court, Whitefish-wanted to stay rural and did not want to be annexed into Whitefish.

Sara Nargi-5850 Highway 93 South, Whitefish-was for the proposal. Growth is occurring and it could be managed or done piecemeal. She felt this was a good plan.

**APPLICANT  
REBUTTAL  
9:45 pm**

None

**MAIN MOTION  
TO ADOPT  
F.O.F.  
(FZC-16-15)  
9:46 pm**

Sirucek made a motion seconded by Horn to adopt Staff Report FZC-16-15 as Findings of Fact.

**SUBSIDIARY  
MOTION TO  
AMEND  
FINDING 7  
9:48 pm**

Heim made a motion seconded by Sirucek to amend Finding 7 as follows:

**Finding #7:** The proposed B-2A and BSD zones ~~may not adequately promote public health, safety, and general welfare because the proposed zones would~~ might introduce more commercial development opportunities into the area which would further diminish traffic safety along Highway 93. However, the proposed overlay would require development to implement alternative access strategies that would increase safety and appear to alleviate traffic safety effectively and would be compatible with the City of Whitefish zoning.

**ASK THE  
QUESTION  
9:51 pm**

Larsen asked the question.

**ROLL CALL TO  
AMEND  
FINDING 7**

On a roll call vote the motion passed unanimously.

9:52 pm

**BOARD  
DISCUSSION  
9:53 pm**

The Board discussed changing Finding 23 at length wanting it to state:

~~The B-2A and BSD amendments are questionable as to whether they are, as nearly as possible, compatible with the City of Whitefish regulations. because the City has concerns with the lack of water and sewer services, that the request does not appear to be consistent with the City's Growth Policy and Future Land Use Map, that the requested commercial expansion will result in strip commercial development and that expanded commercial opportunities in the area will decrease traffic safety along the corridor.~~

Mussman stated that findings needed to have some type of justification.

Stevens talked about changing Finding 14. He voiced his concerns about the City of Whitefish holding the land owners in this proposal hostage. He stated this proposal was compatible with the urban growth.

**SUBSIDIARY  
MOTION TO  
AMEND  
FINDING 14  
9:57 pm**

Stevens made a motion seconded by Larsen to amend Finding 14 as follows:

**Finding #14:** The proposed B-2A and BSD amendments appear to not be compatible with urban growth in the area. ~~because the City of Whitefish Future Land Use Map designates the area as Rural Residential, water and sewer services are not available in the area, the commercial uses along the corridor will increase traffic congestion, and the added permitted commercial uses could promote strip development.~~

**BOARD  
DISCUSSION  
9:58 pm**

None

**ROLL CALL TO  
AMEND  
CONDITION 14  
9:58 pm**

On a roll call vote the motion passed unanimously.

**SUBSIDIARY  
MOTION TO**

Stevens made a motion seconded by Horn to amend Finding 23 as follows:

**AMEND  
FINDING 23  
9:59 pm**

The B-2A and BSD amendments are ~~questionable as to whether they are, as nearly as possible, compatible with the City of Whitefish regulations. because the City has concerns with the lack of water and sewer services, that the request does not appear to be consistent with the City's Growth Policy and Future Land Use Map, that the requested commercial expansion will result in strip commercial development and that expanded commercial opportunities in the area will decrease traffic safety along the corridor.~~

**BOARD  
DISCUSSION  
10:00 pm**

Stevens stated the regulations are compatible but may not be compatible with the future land use map of Whitefish.

Hall agreed stating that the Supreme Court gave jurisdiction of this area to the County not the City of Whitefish.

**ROLL CALL TO  
AMEND  
FINDING 23  
10:03 pm**

On a roll call vote the motion passed unanimously.

**BOARD  
DISCUSSION  
10:06 pm**

Stevens talked about how long this process has been going on. He talked about this process not being an inherent conflict of interest.

**ROLL CALL TO  
ADOPT F.O.F.  
AS AMENDED  
10:12 pm**

On a roll call vote the motion passed unanimously.

**MAIN MOTION  
TO  
RECOMMEND  
APPROVAL  
(FZC-16-15)  
10:13 pm**

Lake made a motion seconded by Hall to adopt Staff Report FZC-16-15 and recommend approval to the Board of County Commissioners.

**BOARD  
DISCUSSION  
10:14 pm**

Nogal talked about just changing the zoning for current business owners only.

Schlegel stated that the property owners along East Blanchard Lake were in agreement with the proposal. He talked about all the meetings that had been held in the past about this same

area.

Larsen stated that this proposal is not perfect but it would never be perfect for everyone. He believes this project is compatible with the City of Whitefish. He had issues with the comment that stated this was a conflict of interest. He felt the strip development issue had been addressed and the traffic issues as much as possible.

**SUBSIDIARY  
MOTION TO  
ADD PROPERTY  
TO BSD ZONING  
10:23 pm**

Larsen made a motion seconded by Schlegel to add the Bohnsack Trust property at 5650 Highway 93 South to the BSD zone at the property owner's request.

**ASK THE  
QUESTION  
10:26 pm**

Larsen asked the question.

**ROLL CALL TO  
ADD PROPERTY  
TO BSD  
10:26 pm**

On a roll call vote the motion passed unanimously.

**BOARD  
DISCUSSION  
10:26 pm**

The Board discussed the issue with the property around Emerald Heights subdivision at length.

The Board would like to see a compromise from this landowner and asked DeGrandpre to work on this prior to commissioners hearing.

**ROLL CALL TO  
RECOMMEND  
APPROVAL  
(FZC-16-15)  
10:36 pm**

On a roll call vote the motion passed unanimously.

**OLD BUSINESS  
10:38 pm**

None

**NEW BUSINESS  
10:38 pm**

None

**ADJOURNMENT**  
**10:38 pm**

The meeting was adjourned on a motion by Schlegel at approximately 10:38 pm. The next meeting will be held on June 14, 2017 at 6:00 pm.

  
\_\_\_\_\_  
Jeff Larsen, Chairman

  
\_\_\_\_\_  
Danene Thornton, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 6/14/17